

## **Inspector's Queries and Correspondence with Dacorum Borough Council (DBC)**

**As at 4<sup>th</sup> October 2012**

In examining the Soundness of Dacorum Borough Council's Core Strategy there are times when it is necessary for the Inspector to seek clarification from the Borough Council to assist his understanding of the task at hand.

The Inspector and the Council are never in direct communication but instead queries are channeled through the Programme Officer, Mr Ian Kemp. For transparency purposes and in an effort to keep Representors fully informed of such dialogue the questions posed to the Borough Council, together with their responses are detailed below:

### **Inspector's Note of Procedural Meeting of 11<sup>th</sup> July 2012**

#### **Dacorum Civic Centre**

The Inspector met the Programme Officer to discuss procedural and administrative matters. Council Officers were introduced to the Inspector and were present at part of the meeting at which the following matters were addressed:

- the draft timetable for the hearing sessions
- the procedural measures required prior to the hearing sessions commencing
- accommodation for the hearing sessions, the Programme Officer and the Inspector
- the procedural approach should Main Modifications be required
- the referencing of core documents and other evidence
- the format of Statements
- the provision of plans of the allocated housing sites and those put forward by representors

### **Inspector Question 1 for DBC; Gypsies 12<sup>th</sup> July 2012**

The Planning Policy for Traveller Sites (PPTS), in paragraph 9, advises that local planning authorities should identify and up-date annually a supply of specific deliverable sites, sufficient to provide five years worth of sites against their locally set targets.

There is an identified requirement for 59 residential pitches in Dacorum over the plan period but this is not referred to in policy CS22.

Paragraph 154 of the NPPF states that policies included in the plan should provide a clear indication of how a decision maker should react to a development proposal. Without any identification of the number of pitches needed, the policy does not fully achieve that requirement.

The policy also refers to sites defined on the Proposals Map but it is not clear to the Inspector where these are. It is understood that sites will be identified in the forthcoming Site Allocations DPD but the Core Strategy needs to provide the appropriate 'hook' on which to hang more detailed proposals.

In responding to the Inspector's concerns it would be helpful if the Council could also indicate how it intends to meet the five requirements that are set out in paragraph 9 of PPTS.

### Response of Dacorum Borough Council; 30<sup>th</sup> July 2012

#### *Policy approach:*

1. The approach to meeting the needs of Gypsies and Travellers has been carefully developed in the light of assessments and consultation with the local Gypsy community, local residents, key stakeholders and other parties, both on general policy and on specific site options or locations. Consultation on the Site Allocations DPD informed development of an initial draft policy. This was agreed by the Cabinet on 31/3/2009<sup>1</sup>. This wording has been subject to some amendment, although the original principles remain either within the policy itself, or form part of the supporting text (paragraphs 14.42 and 14.43 of the Pre-Submission Core Strategy). These principles have therefore been subject to extensive consultation through the Emerging Core Strategy (2009), which included direct consultation with the local Gypsy and Traveller community<sup>2</sup>, the Consultation Draft Core Strategy (2010) and the Pre-Submission Core Strategy (2011).
2. The Council has adopted a two stage approach to accommodating the needs of the Gypsy and Traveller community, which it considers to be fair and reasonable. The first part of the policy is contained within the Core Strategy, with the second part to follow within the Site Allocations Development Plan Document (DPD).
3. Policy CS22 of the Core Strategy sets out the strategic approach to provision and provides a number of criteria through which the suitability of sites (both planned and windfall) can be objectively assessed. The policy therefore explains how any target should be delivered. Table 10 and the monitoring section that relates to Policy CS22 indicate the current target (59 pitches). This target is to be delivered within the plan period, just as other targets are. It is referred to in this way in recognition that it is best to use the most current information relating to needs

---

<sup>1</sup>See document SA8 of the Examination library (Cabinet Report and Annexes: Site Allocations Development Plan Document – Supplementary Issues and Options paper Report of Consultation on Gypsy and Traveller Sites, March 2009).

<sup>2</sup>See Core Strategy Consultation Report – Volume 4 Annex B (document SUB6 of the Examination library)

when setting a target. We have always thought that the current target (taken from the Regional Plan) is likely to change following a revised assessment (see para 6 below). In terms of the location of sites, new pitches are expected to be provided alongside large-scale planned development, particularly the appropriate local allocations. These sites will be defined on the Proposals Map. This approach is intended to aid integration of sites with the settled community; reduce the marginalization of the travelling communities; and ensure occupants of the sites have good access to local services and facilities such as health and education. The Council will be clearer about the appropriate and fair target to use at this time. It may or may not be necessary to supplement this supply with other identified site(s) in the Site Allocations DPD.

4. The timing and identification of sites will be progressed through the Site Allocations DPD process. This will include changes to the Proposals Map to identify specific sites. Issues and Options consultation has already taken place<sup>3</sup> on the Site Allocations DPD and publication of the Pre-Submission document is programmed for spring 2013. These identified sites can be supplemented by other sites that may come forward through the Development Management process.
5. This approach is referred to in the 'delivery' section which follows Policy CS22. This states that for Gypsies and Travellers and Travelling Showpeople, "*delivery will be achieved.....:*
  - *by the identification of sites in the Site Allocations DPD;*
  - *by provision of sites through multi-agency partnership (including the Dacorum partnership), and through the Council's Housing Strategy and take up of available Government grants; and*
  - *by private owners, Registered Providers or a local authority managing sites [relevant Government advice applying to design and management]."*

*Revised Needs Assessment:*

6. The Council (in conjunction with Three Rivers District Council) has recently commissioned a new assessment of the needs of the travelling community. The consultants' initial advice indicates that the current pitch target will need to be revised due to changes in levels of need in the study area since the last assessment was carried out. Preliminary results from this new assessment should be available by early October 2012.

---

<sup>3</sup> See document SA9 of the Examination library (Site Allocations Development Plan Document Issues and Options Paper (November 2006-February 2007) – Consultation Report (Volume 1, October 2010)

*Compliance with Government Policy:*

7. Paragraph 9 of the new 'Planning Policy for Travellers Sites' (March 2012) includes a number of requirements that local planning authorities should meet when planning for traveller sites. These are dealt with in turn below:

*(a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets*

and

*(b) identify a supply of specific, developable sites in broad locations for growth, for years 11-15*

8. The role of the Site Allocations DPD will be to define both the 5 year and 11-15 year site supply through specific site options. This position will be monitored through the Council's Annual Monitoring Report.
9. The Council's approach is to mainstream provision of mobile homes / mobile home pitches (which includes Gypsy and Traveller provision) with housing. Depending upon the pitch target, one local allocation may provide sufficient pitch capacity. Alternatively, part of a selected local allocation providing pitches could be brought forward. The Council wishes to discuss this approach further with landowners through the Site Allocations process.
10. The Council is currently looking at making best use of its own land assets, particularly within Hemel Hempstead. This includes consideration of any landholdings that could be used to provide Gypsy and Traveller pitches. This could help to meet short-term needs prior to completion of work on the Site Allocations DPD. Whilst some options could provide temporary provision, others may have the potential to become permanent sites. Other land owned by the Council and partners (such as the Homes and Communities Agency and Hertfordshire County Council) will also be considered.

*(c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites*

11. There are not considered to be any special or strict planning constraints within Dacorum that make it appropriate to consider a joint development plan to address traveller needs. Cross boundary issues have been considered through the commissioning of joint technical work. When commissioning the latest needs assessment (covering Dacorum and Three Rivers), adjoining authorities were specifically asked to highlight any cross boundary issues that needed to be taken into account. The consultants have also been asked to advise on this issue. All local authorities in Hertfordshire were also appraised through the Hertfordshire Planning Group (HPG) of the intention to commission this study and invited to join the commission should they wish.

12. HPG will shortly be appointing a 'Herts Planning Coordinator.' Their role will be *"to support and co-ordinate the collaborative efforts of the Hertfordshire County, Borough and District Councils to deliver Town and Country Planning Services and projects."* We expect this to include consideration of cross-boundary issues such as the provision of transit pitches.

13. The Council is intending to produce an Area Action Plan for East Hempstead. This will either take the form of a joint DPD with St Albans, or two complementary plans – one for each authority area. Although this area already has a concentration of traveller accommodation (on the Three Cherry Trees Lane site in Dacorum and the Tullochside and Ver Meadow sites in St Albans), the need for, and location(s) of, any new pitches can be considered as part of this joint process.

*(d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*

and

*(e) protect local amenity and environment*

14. Criteria (a) to (e) in Policy CS22 provide the local interpretation of these requirements. Criteria (a) and (b) of the final paragraph of the policy provide additional requirements relating to the location and nature of any transit pitches. The delivery section that follows Policy CS22 also signposts Government advice applying to the design and management of sites that will help ensure that these requirements are met.

15. More detailed requirements set out in the Site Allocation DPD will ensure that the location and design of individual sites reflects the local context, protect the amenity and environment of the local area and aid integration.

**Inspector Question 2 for DBC; New Model Policy 7<sup>th</sup> August 2012**

Following the publication of the National Planning Policy Framework (NPPF), each Local Plan should reflect the presumption in favour of sustainable development. Plans that do not reflect the presumption policy will not be consistent with national policy; hence they will be unsound.

The Planning Portal contains advice about the presumption and a model policy. The model wording is provided to help authorities to accurately reflect the Government's policy in their plans. The Council will need to satisfy itself and the Inspector that the Core Strategy reflects the presumption policy contained in the NPPF. The model wording that is published is one way of doing this. The Council can, if it wishes, devise its own alternative wording provided it appropriately reflects the

presumption policy.

The Council's 'Assessment of the Pre-Submission Core Strategy' dated June 2012 refers to the consideration of a post submission change on this matter but does not commit the Council to the inclusion of such a policy. The Inspector would welcome the Council's confirmation that such a policy will be prepared and recommended by officers for approval by the Council.

The Inspector would expect a response from the Council within two weeks but he would take into account other circumstances, for example where the pressure of other work may cause a short delay.

With regard to the model policy, at this stage the Inspector only requires a commitment to its preparation and eventual adoption.

### **Response of Dacorum Borough Council; 13<sup>th</sup> August 2012**

The Council considers that the Pre-Submission Core Strategy (together with the 'List of Proposed Amendments' set out in the Report of Representations) reflects the Government's presumption in favour of sustainable development. However, it is recognised that the Government require this presumption to be made explicit through the inclusion of a specific policy, for which model wording is provided on the Planning Portal. The Council can confirm that it will prepare such a policy as a post submission change to the Core Strategy. This policy will be based on the model policy wording but may include some minor changes to ensure it reflects local circumstances. This new policy would be subject to consultation and Member agreement alongside any other main changes required by the Inspector following the close of the Core Strategy Examination.

### **Inspector Question 3 for DBC; Clarification Concerning Appearance of Policies 8th August 2012**

There is a difference in style and appearance between the CS policies and the SS and LA proposals in the Core Strategy. The Inspector does not consider this to be a matter of soundness but would welcome the Council's confirmation that there is no difference in status between the policies and proposals.

### **Response of Dacorum Borough Council; 13<sup>th</sup> August 2012**

The Council can confirm that there is no difference in status between the Core Strategy policies and the proposals relating to the local allocations (LA) and strategic sites (SS). The intention is that these proposals will be delivered in accordance with the principles laid out. In the case of the local allocations, these principles will be elaborated within the Site Allocations DPD and supported through masterplans.

Masterplans have already been prepared for the two strategic sites (see Examination documents SS1 and SS2).

If it aids overall clarity, the Council would have no objection to the text boxes for each LA and SS to be formatted in the same way as the policy text (i.e. through the use of bold text and grey shading).

**Inspector Question 4 for DBC; Confirmation of Procedural Requirements 9<sup>th</sup> August 2012**

The Inspector would welcome written confirmation from the Council that the Core Strategy has been:

- Prepared in accordance with the statutory procedures, including the 2004 Act (as amended) and the 2012 Regulations;
- Prepared in general conformity with the Regional Strategy, insofar as it is applicable;
- Prepared in accordance with the Council's Local Development Scheme;
- Prepared in accordance with the Council's Statement of Community Involvement;
- Prepared with regard to National Policy and to the Sustainable Community Strategy for the area,
- Supported by a Sustainability Appraisal;
- Supported by a Habitats Regulations Assessment.

**Response of Dacorum Borough Council; 13<sup>th</sup> August 2012**

The Council can confirm that the Core Strategy has been prepared in accordance with all of the above - see PAS Legal Compliance Toolkit (Examination document OT8). If further information is required to demonstrate this compliance, this is provided in the following documents:

- Report of Consultation (Volumes 1-7) (Examination document SUB6)
- Report of Representations received on the Pre-Submission Core Strategy (Examination document SUB9)
- Assessment by Dacorum Borough Council of its Pre-Submission Core Strategy (NPPF compliance toolkit) (June 2012 (Examination document OT7)
- Dacorum Core Strategy Habitats Regulations Assessment: Update (September 2011) (Examination document SUB4)
- Core Strategy Pre-Submission Sustainability Appraisal Report (September 2011) (Examination document SUB3)
- Core Strategy Submission Stage Sustainability Report - Addendum (Examination document SUB7)

- Statement of Compliance with the Duty to Co-Operate (Examination Document SUB9)

#### **Inspector Question 5 for DBC; Compliance with LDS 14<sup>th</sup> August 2012**

The Inspector notes that in response to Question 4 the Council states that the Core Strategy has been prepared in accordance with the Local Development Scheme (LDS). However, in the version of the LDS dated 1 May 2009 the Core Strategy is scheduled to be submitted in March 2010, with adoption in July 2011.

The Annual Monitoring Report (AMR) dated 2010/2011 identifies October 2011 as the submission date, with adoption in December 2012. The actual submission date was June 2012.

The Inspector would normally take the AMR as being the most up-to-date indication of timescales but there has been a delay even beyond those dates. Could the Council provide a justification for the delay?

#### **Response of Dacorum Borough Council; 20<sup>th</sup> August 2012**

As the Inspector states, the AMR provides the most up-to-date timetable for the Council's Local Planning Framework. The latest AMR 2010/11 was published in December 2011. Appendix 1 contains the programme for Local Development Plan Document production. This programme shows the 'Period of Submission stage' for the Core Strategy beginning in October 2011 and finishing at the end of April 2012. The beginning of this stage (denoted by a capital 'S') equates to publication of the Pre-Submission Core Strategy, with the end of the period marked by the formal submission of the Core Strategy for examination.

The Core Strategy was submitted to the Planning Inspectorate on 22<sup>nd</sup> June 2012 rather than the end April / beginning of May as originally programmed. This slight delay was caused by a small 'omissions' consultation relating to the Pre-Submission Core Strategy being held during February / March 2012 and the need to consider any implications of the new National Planning Policy Framework (NPPF).

#### **Inspector Question 6 for DBC; Housing Numbers; 28<sup>th</sup> September 2012**

Could the Council explain the reference in paragraph 6.4.2 of its Statement on Issue 6, which states: (c 5,500 homes to 2031).

## **Response of Dacorum Borough Council; 1<sup>st</sup> October 2012**

The Strategic Housing Market Assessment (SHMA) produced for the south west Hertfordshire area covers the period 2007-2021. The SHMA's forecast of housing was prepared in the context of the Regional Strategy's proposal for 12,000 dwellings in Dacorum (2001-2021) and related to that figure.

Paragraph 14.32 of the Pre-Submission Core Strategy refers to information in the SHMA – i.e. 7,800 dwellings being required between 2007 and 2021, with 3,100 dwellings of these being affordable (social rented) units. Proportionately the need for affordable housing was nearly 40%. All this information is taken from Figure 149 in the SHMA.

The Council also aimed to give an estimate of total housing need over the whole plan period (2006-2031) in paragraph 14.32. The figure quoted is around 5,300 homes. Unfortunately this is an error.

Since publishing the Pre-Submission Core Strategy, the Council has revisited the issue of affordable housing need as part of the Background Paper – Selecting the Core Strategy Housing Target (Examination Document HG16). In this paper, the figure for affordable homes was reduced to an annual average which was then multiplied by 25 years to reflect the plan period. This suggests a total figure of 5,525 new affordable homes – i.e. around 5,500.

The inconsistency is explained as follows:

- The annual average affordable housing need indicated by the SHMA is 221 dwellings (i.e. 3,100/14)
- Hence,  $221 \times 24 = 5,304$ , i.e. around 5,300 dwellings for 2007-2031: and
- $221 \times 25 = 5,525$ , i.e. around 5,500 dwellings for 2006-2031.

The source data remains unaffected and consistent. The figures for long term affordable housing needs are estimates and would exaggerate housing need. The reason is that the Regional Strategy would have required a reducing rate of provision *within* Dacorum after 2021. This was because some thousands of the development allocated to Dacorum in the Regional Strategy (for 2006-2031) would have been delivered east of Hemel Hempstead in St Albans district: the need that would have been met extended beyond Dacorum.

The figure for affordable housing need has been reviewed through the most recent Housing Needs and Market Assessment (Examination Document HG10), published in July 2012 and will continue to be reviewed and updated over the plan period.

The Council proposes to delete reference to the 5,300 (or 5,500) figure in paragraph 14.32, and update and simplify the text by way of a minor modification.

**Inspector Question 7 for DBC; Without Prejudice Changes; 28<sup>th</sup> September 2012**

The Inspector notes that a draft 'without prejudice' Appendix has been attached to the Matter 2 Statement from Cala Homes (Barton Willmore). A number of potential changes are set out (some of which could be Main Modifications) and it is stated that should the Inspector consider them necessary, then they would be acceptable to the Council.

Could the Council confirm that Cala Homes has correctly set out the position and are there any similar situations with regard to other objectors that the Inspector should be aware of?

**Response of Dacorum Borough Council; 1<sup>st</sup> October 2012**

The Council received suggestions of further changes to the Pre-Submission Core Strategy on 17 September on behalf of Cala Homes. The Council has now had the opportunity to consider these carefully. None are agreed. Cala Homes's agent was advised of the Council's position on 28 September – see paragraphs following in italics below. The Council is not aware of any similar circumstances with other objectors.

**Response of Dacorum Borough Council to Cala Homes (Barton Willmore):**

*“Your suggestions in respect of Policies CS3, CS5 and CS17 are fundamental and not agreed. Minor change MC14 makes it quite clear that local allocations will be permitted. The role of the Core Strategy is to take the controversial decision of identifying locations for development and release from the Green Belt. The Site Allocations DPD will delineate the extent of specific proposals and define the proposal more fully. The additional technical work and discussions with Cala Homes (Mike Emmett and Jonathan Cook) covered by the Statement of Common Ground [Examination Document SG3] will help to do that. The Council also considers that further involvement of other stakeholders and the local community is necessary in the master planning of the area. That too will help define the extent and nature of the final proposal, which the Council wishes to agree.*

*CS1 is appropriately conditioned by criteria (a) to (d) already.*

*The purpose of Policy CS2 is to provide a sustainable framework by which to establish a pool of development sites over the plan period. The pool of sites can be added to if necessary. The policy does not of itself deal with phasing or timing of delivery of sites. The references to “local allocations” and “other land” are fundamental. Other land includes greenfield land identified for development in the current Local Plan. The policy is appropriately worded, save for the tautology in factor 1 – “within defined settlements” is a repetition from the line above.*

*The Council understands Cala Homes is seeking a higher figure of new homes at LA5 than “around 150”. That would affect Tables 8 and 9 as well as LA5. That is neither accepted by the Council nor fairly justified as yet. For clarification the figures in Table 9 are estimates (ref para 14.21 in the Pre-Submission Core Strategy) and in Table 8 local objectives. None of these figures are precise targets or absolutes therefore. It is accepted that if the Inspector recommends a different figure, 150 could be replaced – at present we both have to acknowledge that could be upward or downward.”*

### **Inspector Question 8 for DBC; Joint Working; 3<sup>rd</sup> October**

Section 110 of the Localism Act, under (6) (a) states that the engagement should include whether to consult on and prepare, and enter into and publish, agreements on joint approaches. Could the Council advise whether or not any such consideration has been undertaken, particularly with regard to neighbouring planning authorities, and provide any appropriate details.

### **Response of Dacorum Borough Council; 4<sup>th</sup> October**

The Council has a good working relationship with adjoining local planning authorities. The nature of previous, current and planned joint working and co-operation on planning issues is set out in the Statement of Compliance with the Duty to Co-operate (Examination Document SUB8). As required by the Localism Act, the Council has considered whether it is appropriate to formalize any of these arrangements – particularly with Three Rivers District Council and St Albans City and District Council. It has concluded that this is not necessary at the present time for the reasons set out below.

#### **Three Rivers City and District Council:**

The most significant cross boundary issues relates to primary school provision and capacity at Kings Langley. The strategy for accommodating future needs has been discussed between all parties and implementation is being co-ordinated by Hertfordshire County Council as the local education authority. See response to Issue 13: Kings Langley of the Issues and Questions for the Examination for further information.

#### **St Albans City and District Council:**

As set out in response to question 10.2 of Issue 10: Hemel Hempstead of the Issues and Questions for the Examination, Dacorum and St Albans Councils have agreed to take forward a joint Area Action Plan (AAP) for North East Hemel Hempstead. The boundary of this AAP is expected to extend beyond the Dacorum Borough boundary and includes land within St Albans.

The two Councils have already jointly agreed and consulted on a Supplementary Issues and Options paper relating to Growth at Hemel Hempstead (Examination

Document CS5). An Issues and Options paper relating to the Area Action Plan was prepared jointly by both Councils. As a result of sensitivities following the quashing of parts of the Regional Strategy, consultation on this document was carried out by Dacorum only. There has also been joint working on a number of technical studies relating to local housing need and employment issues.

Decision-making arrangements for the AAP have been informally discussed by the two Councils. At this time it is considered appropriate to keep arrangements open to allow the AAP to be agreed either through a joint committee or each Council agreeing that part of the AAP that relates to land within its area. A series of meetings are currently being programmed for late 2012 / early 2013 between senior Officers and Portfolio Holders of both Councils to discuss the AAP further. This will include further consideration of the most appropriate decision-making mechanisms.